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DATE MAILED: 01/14/2004

PPLICATION NO: FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/771,043	01/26/2001	Naoki Kimura	TOYAM68.001AUS	TOYAM68.001AUS 7246	
20995	7590 01/14/2004		EXAMINER		
KNOBBE N	MARTENS OLSON &	SIEW, JEFFREY			
2040 MAIN FOURTEEN		ART UNIT	PAPER NUMBER		
IRVINE, CA		1637			

Please find below and/or attached an Office communication concerning this application or proceeding.

					S			
		Application	No.	Applicant(s)				
Office Action Summary		09/771,043		KIMURA ET AL.				
		Examiner		Art Unit				
		Jeffrey Sie		1637				
	The MAILING DATE of this communicat	tion appears on the o	cover sheet with the	correspondence addre	SS			
Period fo		DEDLVIS SET TO	A EXPIRE 3 MONTH	(S) FROM				
THE I - Exte after - If the - If NO - Failu	ORTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICA maions of time may be available under the provisions of 3 SIX (6) MONTHS from the mailing date of this communic period for reply specified above is less than thirty (30) de period for reply is specified above, the maximum statutor to reply within the set or extended period for reply will, reply received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	.TION. 7 CFR 1.136(a). In no even cation. ays, a reply within the statut my period will apply and will by statute cause the applic	t, however, may a reply be ti ory minimum of thirty (30) da expire SIX (6) MONTHS fror ation to become ABANDON	mely filed ys will be considered timely. In the mailing date of this commit ED (35 U.S.C. § 133).	unication.			
1)⊠	Responsive to communication(s) filed of	on <u>06 November 20</u>	<u>03</u> .					
2a) <u></u>	This action is FINAL . 2b)⊠ This action is non-final.							
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims							
4)⊠	Claim(s) 4,7 and 10 is/are pending in the application.							
	4a) Of the above claim(s) is/are withdrawn from consideration.							
, —	Claim(s) is/are allowed.							
	Claim(s) 4,7 and 10 is/are rejected.							
	Claim(s) is/are objected to. Claim(s) are subject to restriction	n and/or election re	auirement.					
		artaror orosion ro	4		į			
• •	ion Papers	Evaminer						
	The specification is objected to by the E The drawing(s) filed on is/are: a		objected to by the	Examiner.				
10)	Applicant may not request that any objection	on to the drawing(s) be	e held in abeyance. S	ee 37 CFR 1.85(a).				
	Replacement drawing sheet(s) including th	e correction is require	ed if the drawing(s) is o	bjected to. See 37 CFR	1.121(d).			
11)	11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
	under 35 U.S.C. §§ 119 and 120							
12)⊠ a	Acknowledgment is made of a claim for ☑ All b ☐ Some * c)☐ None of: 1.☑ Certified copies of the priority do 2.☐ Certified copies of the priority do	ocuments have beer	n received. n received in Applica	ation No				
*	3. Copies of the certified copies of application from the International See the attached detailed Office action.	the priority docume al Bureau (PCT Rule for a list of the certif	nts have been recel e 17.2(a)). ïed copies not recei	ved in this National St ved.				
13)	Acknowledgment is made of a claim for since a specific reference was included in 37 CFR 1.78. a) The translation of the foreign language.	domestic priority ur in the first sentence	nder 35 U.S.C. § 119 of the specification	or in an Application Da	oplication) ata Sheet.			
141	Acknowledgment is made of a claim for reference was included in the first sente	domestic priority ur	nder 35 U.S.C. §§ 12	20 and/or 121 since a :	specific FR 1.78.			
Attachme	nt(s)		_					
1) Not	ice of References Cited (PTO-892) ice of Draftsperson's Patent Drawing Review (PTO ormation Disclosure Statement(s) (PTO-1449) Pap	O-948) per No(s)		ary (PTO-413) Paper No(s). al Patent Application (PTO-1				

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DETAILED ACTION

Request for Continued Examination

1. The request filed on 11/16/03 for a Request for Continued Examination (RCE) under 37 CFR 114 is acceptable. An action on the RCE follows. Pending claims are 4,7,10.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4,7 & 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Brennan (US6,210,894 April 3, 2001).

Brennan teach solid phase synthesis of oligonucleotides for detection on solid support (see whole doc. esp. abstract). They teach irradiation (see Figure 2b). They teach thymine containing oligonucleotides with polymerization between 3 and 100 (see Figure 1). They teach polyporpylene (see col. 5 line39).

SUMMARY

3. No claims allowed.

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CONCLUSION

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Siew whose telephone number before January 22, 2003 is (703) 305-3886 and thereafter can be reached at 571-272-0787. The e-mail address is Jeffrey.Siew@uspto.gov. However, the office cannot guarantee security through the e-mail system nor should official papers be transmitted through this route. The examiner is on flex-time schedule and can best be reached on weekdays from 6:30 a.m. to 3 p.m. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached on (703)-308-1119.

Any inquiry of a general nature, matching or filed papers or relating to the status of this application or proceeding should be directed to the <u>Tracey Johnson</u> for Art Unit 1637 whose telephone number is (703)-305-2982.

Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Center numbers for Group 1600 are Voice (703) 308-3290 and FAX (703)-308-4242.

JEFFREY SIEW
PRIMARY EXAMINER